

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EDWIN L. PATILLO,**  
**Petitioner**

**v.**

**TROY LEVI, WARDEN, et al.,**  
**Respondents**

**: CIVIL ACTION**  
**:**  
**:**  
**:**  
**: No. 08-CV-656**  
**:**  
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**REPORT AND RECOMMENDATION**

TIMOTHY R. RICE  
U.S. MAGISTRATE JUDGE

May 13, 2008

Petitioner Edwin L. Patillo, a prisoner at the Federal Detention Center in Philadelphia awaiting sentencing, filed a pro se motion and an amended motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. I recommended Patillo's habeas petition be transferred to the United States District Court for the District of New Jersey ("New Jersey District Court") for the reasons stated in the Report and Recommendation filed March 6, 2008 for this matter. See Report and Recommendation, Patillo v. Warden, No. 08-656 (E.D. Pa. filed Mar. 6, 2008). Because I recommended this matter be transferred to the New Jersey District Court, where Patillo awaits sentencing pending resolution of his appeal, I respectfully recommend Patillo's Amended Motion be DENIED as moot. The New Jersey District Court is the appropriate jurisdiction to address whether to consider Patillo's amended petition.

Accordingly, I make the following:

**RECOMMENDATION**

AND NOW, this 13th day of May, 2008, it is respectfully recommended the Amended Motion for a writ of habeas corpus be DENIED as moot because the matter will be transferred to the United States District Court for the District of New Jersey. It is further recommended that there is no probable cause to issue a certificate of appealability.<sup>1</sup> The petitioner may file objections to this Report and Recommendation within ten days after being served with a copy thereof. See Local Civ. Rule 72.1. Failure to file timely objections may constitute a waiver of any appellate rights. See Leyva v. Williams, 504 F.3d 357, 364 (3d Cir. 2007).

BY THE COURT:

\s\ TIMOTHY R. RICE  
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UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Jurists of reason would not debate my recommended procedural or substantive dispositions of the petitioner's claims. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). Therefore, no certificate of appealability should be granted. See id.